

MR. BERGH AND THE HORSES.

ONE OF HIS MEN ARRESTED UNDER A NEW ACT OF THE LEGISLATURE.

Charged with Obstruction of Street Car Travel—What is the Meaning of the Law?—Justice Morgan Meditating upon It.

George H. Lambert, an officer of the Society for the Prevention of Cruelty to Animals, was a prisoner in the Jefferson Market Police Court yesterday. The complainant was Richard T. Crane, a driver on the Christopher street ferry and Union square line of cars. The offense charged was a violation of chapter 674 of the Laws of 1879 of this State. The title of the chapter is "An act to prevent the delaying of passengers in street railroad cars, and to prohibit obstructing the free passage of street railroad cars." The text reads: "Every person who shall wilfully obstruct, hinder, or delay the passage or running of any car, lawfully running upon any horse or street railroad in this State, shall be deemed guilty of a misdemeanor."

At 5 o'clock on Tuesday afternoon, at Fourteenth street and University place, Officer Lambert, who had been called to Dr. Crane's office, was arrested. He stopped the car and examined the horse's legs, which could find no cause for the lameness. He then directed the horse to be driven ahead. The animal was still very lame, but was driven to Fifth Avenue. Lambert then directed the driver to unbolt the horse and take it to the company's stables. Crane objected, and Lambert unfastened the horse and led the animal to the side of the street. The delay blocked both the Christopher street line and the "blue line," so that about fifteen cars stood on the track.

Superintendent Jacob Sharp heard of the delay, and went over to see about it. Policeman James Reilly was on post. At Mr. Sharp's request he arrested Lambert and took him to the Mercer street police station. Lambert there protested against the arrest, but Sergeant Douglas locked him up. Word was sent to the office of the society, and Mr. Henry Bergh and his officers became very indignant. Lambert remained in his cell all night, and in court yesterday appeared none the worse for the confinement.

President Henry Bergh, Superintendent Hartfield, and Officers Henry Jr., and Lopez were present. The society's case being before the bench, Superintendent Sharp and other officers of the railroad company were present. Policeman Reilly told how he had made the arrest. Lambert was held in custody until the driver, but had merely taken the horse from the car after ascertaining that it was very lame and unfit for work. One of the right legs was swollen, and the horse was much strained. His arrest was made fully an hour after the horse was removed. There was no one else on board except the horses were transferred from one car to another.

Mr. Bergh turned to Policeman Reilly and inquired: "Did you see Lambert stop the car?"

"No, I did not arrest him until half an hour afterward."

"Then the arrest was illegal, as no warrant had been issued."

Lawyer Joseph Steinert, who appeared for the railroad company, said that the driver was not to blame, as he had been compelled to stop the car, where the horse would be removed, and that there were very few passengers in the car.

Lambert interrupted Mr. Steinert, saying that, "no, he was not to blame."

"Yes, there was," replied Steinert; "you refused to allow him to go on. It's a clear case of a violation of statute, which says that no car shall break the law, and you are breaking the law."

"Yes, but in this case it was not the fault of the driver, as the horse was the cause of all the trouble."

The question of Justice Morgan was, "Is the opinion that the society and the railroad people should not be antagonistic? A little more thought on the part of the society would be a good thing. I don't think Lambert was to blame, but he was certainly to blame."

"The opinion of Justice Morgan is, that the society and the railroad people are more particular in that respect than we are, and we would punish our men if they drove such horses. I saw this horse five minutes ago, and he was driving like a poor man, and could not afford so much. Major Quincy overheard the discussion, and reduced the fee to \$5, which the witness paid him."

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